

NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the *Register* 1st as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Arizona Administrative Register* after the final rules have been submitted for filing and publication.

NOTICE OF FINAL RULEMAKING

TITLE 3. AGRICULTURE

CHAPTER 2. DEPARTMENT OF AGRICULTURE

ANIMAL SERVICES DIVISION

PREAMBLE

1. **Sections Affected**
R3-2-101
- Rulemaking Action**
New Section
2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statute: A.R.S. § 3-1203
Implementing statute: A.R.S. §§ 3-1203
3. **Effective Date of the Rule:**
May 7, 1997
4. **A list of all previous notices appearing in the Register addressing the final rule:**
Notice of Rulemaking Docket Opening:
3 A.A.R. 421, February 14, 1997
Notice of Proposed Rulemaking:
2 A.A.R. 434, February 21, 1997
5. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
Name: Shirley Conard, Rules Specialist
Address: Department of Agriculture
1688 West Adams, Room 124
Phoenix, Arizona 85007
Telephone: (602) 542-0962
Fax: (602) 542-5420
6. **An explanation of the rule, including the agency's reasons for initiating the rule:**
R3-2-101, Definitions. Many of the definitions listed in rules throughout Chapter 2 were already defined in statute or incorporated by reference material. This new Section was added to include previously undefined terms inclusive to this entire Chapter.
7. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable.
8. **The summary of the economic, small business and consumer impact:**
 - A. *The Department of Agriculture*
There are no identifiable costs to the Department for this Article. The proposed rule simply assists the Department and regulated public in defining specific terms.
 - B. *Political Subdivision*
Political subdivisions of this state are not directly affected by the implementation and enforcement of this proposed rulemaking.
 - C. *Businesses Directly Affected by the Rulemaking (All persons dealing with the livestock, poultry, ratite, and aquaculture industries in Arizona)*
The proposed rule simply assists the Department and regulated public in defining specific terms.

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- D. *Private and public employment*
Private and public employment are not directly affected by the implementation and enforcement of this proposed rulemaking.
- E. *Consumers and the public*
There are no costs to the public associated with the implementation of this rule.
- F. *State revenues*
This rulemaking will have no impact on state revenues
9. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):
None.
10. A summary of the principal comments and the agency response to them:
None.
11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:
None.
12. Incorporations by reference and their location in the rules:
None.
13. Was this rule previously adopted as an emergency rule?
No
14. The full text of the rules follows:

TITLE 3. AGRICULTURE

CHAPTER 2. DEPARTMENT OF AGRICULTURE
ANIMAL SERVICES DIVISION

ARTICLE 1. GENERAL PROVISIONS

Section
R3-2-101. Definitions

ARTICLE 1. GENERAL PROVISIONS

R3-2-101. Definitions

In addition to the definitions provided in A.R.S. §§ 3-1201, 3-1451, and 3-1771, the following terms apply to this Chapter:

1. "Animal" means livestock, bison, dogs, cats, rabbits, rodents, game animals, furbearing and wildlife mammals, and poultry and other birds.
2. "APHIS" means the Animal and Plant Health Inspection Service of the United States Department of Agriculture.
3. "USDA" means the United States Department of Agriculture.
4. "VS" means the Veterinary Services branch of APHIS.

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TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 6. BOARD OF BEHAVIORAL HEALTH EXAMINERS

PREAMBLE

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|--|---|
| <p>1. <u>Sections Affected</u>
R4-6-101
R4-6-506</p> | <p><u>Rulemaking Action</u>
Amend
New Section</p> |
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2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):
Authorizing statute: A.R.S. § 32-3253(A)(1)
Implementing statutes: A.R.S. §§ 32-3301, 32-3302, 32-3303, 32-3291, 32-3292, 32-3293, 32-3294, 32-3311, 32-3312, 32-3313, 32-3321, and 32-3322
3. Effective Date of the Rule:
May 7, 1997
4. A list of all previous notices appearing in the Register addressing the final rule:
Notice of Rulemaking Docket Opening:
3 A.A.R. 535, February 21, 1997
Notice of Proposed Rulemaking:
2 A.A.R. 435, February 21, 1997

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5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Sonja Bolf, Acting Executive Director
Address: Board of Behavioral Health Examiners
1400 West Washington, Suite 350
Phoenix, Arizona 85007
Telephone: (602) 542-1896
Fax: (602) 542-1830

6. An explanation of the rule, including the agency's reasons for initiating the rule:

The Board of Behavioral Health Examiners implemented new rules on November 15, 1996, which provide standards for certification of behavioral health professionals including Social Workers, Counselors, Marriage and Family Therapists and Substance Abuse Counselors. The rules, however, do not include a time frame during which Certified Associate Counselors who currently practice independently may come into compliance with the new rules. Without a time frame for compliance, all Certified Associate Counselors who practice independently must cease practicing independently or relinquish their certifications. To clarify that independent practice involves working without direct supervision, the definition of "independent practice" is amended.

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable.

8. The summary of the economic, small business and consumer impact:

The principal impact of this rule will be on members of the Counseling profession, especially Certified Associate Counselors and small practices. Without this rule, some Certified Associate Counselors will be required to choose between giving up their independent practices or surrendering their certificates. While certification is voluntary, because some 3rd-party payers require certification for reimbursement, Certified Associate Counselors who continue to practice independently after surrendering their certificates will be harmed economically. Consumer impact is an even more compelling reason to implement this rule change. If Certified Associate Counselors are required to surrender their certifications, their clients may be left without appropriate therapeutic intervention. This could be a threat to the public because the Certified Associate Counselors will need to refer their clients to another behavioral health professional and adequate time for this transition is pre-empted by the new rule as written. A full-time behavioral health professional is considered to have a caseload of at least 25 clients per week. From the complaints received by the Board and those that have been heard before the Counseling Credentialing Committee, there are approximately 10 to 15 Certified Associate Counselors and 250 to 300 clients who are being affected by the lack of a rule providing a time frame for compliance. The livelihood of these Certified Associate Counselors and their practices are being negatively impacted. Some Certified Associate Counselors may have to close their practices.

9. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

Not applicable.

10. A summary of the principal comments and the agency response to them:

No comments were submitted to the agency.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable.

12. Incorporations by reference and their location in the rules:

None.

13. Was this rule previously adopted as an emergency rule?

No.

14. The full text of the rules follows:

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Notices of Final Rulemaking

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 6. BOARD OF BEHAVIORAL EXAMINERS

ARTICLE 1. DEFINITIONS

Section
R4-6-101. Definitions

text of an employee-employer relationship usually on a fee-for-service basis.

ARTICLE 1. DEFINITIONS

Section
R4-6-506. Independent Practice Exemption for Certified Associate Counselor

R4-6-506. Independent Practice Exemption for Certified Associate Counselor

A behavioral health professional certified and practicing independently as a Certified Associate Counselor before November 15, 1996, may continue to practice independently until November 15, 1998. To maintain certification after November 15, 1998, a Certified Associate Counselor shall practice in compliance with R4-6-505(B). An individual initially certified as an Associate Counselor on or after November 15, 1996, shall immediately practice in compliance with R4-6-505(B). This Section is repealed on November 16, 1998.

ARTICLE 1. DEFINITIONS

R4-6-101. **Definitions**
"Independent practice" means acting as a certified behavioral health professional without direct supervision and outside the con-